



# Charitable Recyclers Reimbursement

Program guidelines

Prepared by: Office of Resource Recovery, Department of Environment and Science.

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February 2021

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## Introduction

Queensland's charities are an essential part of the circular economy. Through tip shops, opportunity shops, retail and online stores, new economic opportunities are created from products that would otherwise be destined for landfill.

There is, however, a portion of the donated material that is unable to be re-used, repaired, recycled or sold and must be disposed of. Under section 28 of the *Waste Reduction and Recycling Act 2011* (the Act) this waste could be exempt from Queensland's waste levy.

Eligible charitable recycling entities were issued an exemption approval after an assessment process. However, due to challenges in implementing processes to keep charitable waste separate from other levyable wastes, some approved charitable recycling entities have been unable to use the exemption and have had to pay levy costs passed on by disposal site operators or waste collection services.

For charitable recycling entities affected by this situation, the Department of Environment and Science (the department) is introducing the Charitable Recyclers Reimbursement Program (the Program). The Program is available to those eligible charitable recycling entities incurring a waste levy liability as they are unable to use their existing exemption under section 28 of the Act.

## The program

### Objective

The Program is designed to reimburse the waste levy liability incurred by eligible charitable recycling entities unable to use their existing exemption under section 28 of the Act.

The first round of the Program provided reimbursement for levy charges incurred by applicants from 1 July 2019 to 30 September 2020. **The first round of the Program is closed.**

The Program will continue to be delivered to reimburse eligible levy charges incurred by applicants for the previous quarter. Applications are to be made at the conclusion of each quarter (**the relevant period**) to allow applicants to collect all necessary evidence relating to the levy liability for that quarter (such as invoices from waste services providers).

### Who can apply?

To be eligible to apply for reimbursement under the Program, an applicant must be a charitable recycling entity with an approved Certificate of Exempt Waste under section 28 of the Act. Applications must be made by the legal entity that holds the Certificate of Exempt Waste. See the eligibility checklist below for more information.

**Note:** If changes are required to a Certificate of Exempt Waste (such as tonnage limits), please contact the department via email at [wastelevyapps@des.qld.gov.au](mailto:wastelevyapps@des.qld.gov.au). Further information is available on the Queensland Government's website at: <https://www.qld.gov.au/environment/pollution/management/waste/recovery/disposal-levy/business/charities>

### Eligibility checklist

Am I eligible to apply? You must answer yes to ALL of the following to be eligible for a reimbursement	Yes	No
Are you a charitable recycling entity that holds an approved Certificate of Exempt Waste under section 28 of the Act?		
Is your application going to be made by the same legal entity that holds the Certificate of Exempt Waste under section 28 of the Act?		
Have you been unable to use your exemption for some or all of your charitable waste? <i>Note: charitable waste is defined as waste that has been donated to a charitable recycling entity but that cannot practicably be re-used, recycled or sold.</i>		

**If you are eligible, please ensure you have the following information for your application:**

Applicant details (such as ABN, legal entity name and contact details).

*Note: this must be the same legal entity that holds the Certificate of Exempt Waste.*

Authorisation to make an application on behalf of your charity.

The exempt waste number referenced on your Certificate of Exempt Waste issued by the department under section 28 of the Act.

The reason/s you were unable to use your exemption for some or all of your charitable waste.

Evidence of the charitable waste disposed during **the relevant period**, and must include:

- invoices that demonstrate the tonnage or volume of charitable waste disposed, and
- a completed data sheet (template provided via the department's website).

If invoices are unable to be provided, please contact the department regarding your application.

*Note: The waste levy reimbursement will only be provided for the amount of charitable waste for which sufficient evidence can be provided. Other waste management costs, such as collection costs, transport costs or gate fees, are not eligible under the Program.*

The total tonnage of charitable waste disposed during the period that resulted in the waste levy being charged to the charitable recycler.

If tonnage is not available, tonnage is to be converted from the volume of the service provided using a conversion factor of 0.15 for volume (m3) to mass (tonnes):

- $\text{volume (m3)} \times 0.15 = \text{mass (tonnes)}$ .

Please contact the department if an alternative calculation methodology is preferred.

Acknowledge that the entity is operating in accordance with conditions of the Certificate of Exempt Waste.

*Note: The reimbursement claimed must be for actual tonnage of waste disposed of as approved under the Certificate of Exempt Waste, that is:*

- *the tonnage has not already been claimed under the Certificate of Exempt Waste*
- *the tonnage does not exceed the approved amount under the Certificate of Exempt Waste*
- *only for waste types approved under their exemption*
- ***within the relevant period.***

## How to apply

Applications must be submitted through the SmartyGrants portal via the Queensland Government website:

<https://www.qld.gov.au/environment/pollution/management/waste/recovery/funding-grants>

Applicants are required to ensure the department receives the application and all supporting documentation in full. By submitting an application, the applicant agrees to abide by all terms and conditions as specified in these guidelines. Submission of an application will not guarantee that funding will be provided.

All decisions made are at the discretion of the Chief Executive of the department and are considered final.

Setting up a SmartyGrants account is free and previous SmartyGrants users can use the same SmartyGrants account. Please note, the applicant must be the entity that holds the Certificate of Exempt Waste. Authorisation of the SmartyGrants user as a representative of the entity will be required as part of the application.

A help guide for applicants is available at <https://applicanthelp.smartygrants.com.au/help-guide-forapplicants/>. If you experience technical difficulty creating a SmartyGrants account or completing an online form, please contact SmartyGrants on (03) 9320 6888.

## Assessment process

All applications will go through an eligibility and assessment check process. Where applications are found to meet the eligibility criteria, they will be assessed and the value of the calculated levy reimbursement validated before being approved for payment. Please note all reimbursement decisions are final.

An applicant's cumulative tonnage claim through the Program and any claims outside of the Program must not exceed the tonnage limit of the Certificate of Exempt Waste. In the instance where the tonnage limit of the Certificate of Exempt Waste is exceeded by cumulative tonnage claims, the Department will cap the reimbursement at the limit of the Certificate of Exempt Waste. The applicant must apply for a new Certificate of Exempt Waste with an updated tonnage limit. Any tonnages that have exceeded the previous Certificate of Exempt Waste cannot be claimed and will not be reimbursed.

## Reimbursement arrangements

On submission of an application via SmartyGrants, the applicant will be required to accept the terms and conditions of the Program.

If an applicant qualifies for reimbursement, the department may request the following information:

- bank statement
- letter from the applicant on letterhead providing below details (bank details to be included on letter):
  - legal entity name
  - ABN
  - business address
  - phone number
  - email address
  - bank account details
- valid tax invoice for the approved reimbursement amount made out to the Department of Environment and Science.

**Once the financial information has been confirmed, the department will issue a one-off payment to the applicant for the relevant period.**

## Communications

### Confidentiality, privacy and use of information

The department is collecting personal information within applications for funding. All personal information provided as part of the application, will be routinely used to assess your application.

Where necessary, information contained in your application may also be provided to the Queensland Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts, and the Minister's members of staff for reporting purposes (except for that information which relates to the department's confidentiality

obligations).

The department will seek consent for any uses or disclosures outside of these specific terms. Applications are subject to the *Right to Information Act 2009*. Applicants wishing to access their personal information that is in the control of the department, may contact Right to Information Services. For any questions or concerns regarding the privacy of your personal information, please contact the department by email at [privacy@des.qld.gov.au](mailto:privacy@des.qld.gov.au)

## Complaints and appeals

The decision in relation to an application is final and may not be appealed. If however, an application is found to be ineligible, the applicant may appeal the decision with seven (7) days in writing via email to: [wasteprograms@des.qld.gov.au](mailto:wasteprograms@des.qld.gov.au).

### Enquiries and contact details

Applicants may contact the Program Manager in relation to general questions, requests for clarification and requests for further information via email at: [wasteprograms@des.qld.gov.au](mailto:wasteprograms@des.qld.gov.au).

## Terms and conditions

### Reservation of rights

- a) Despite any provision of these guidelines to the contrary, the State reserves the right to administer the Program and conduct the process for the assessment and approval of applications to the Program in such a manner as it thinks fit, in its absolute discretion.
- b) Without limiting paragraph (a), the State retains all rights and powers to make all decisions and actions in order to achieve the program objectives and the State reserves the right, in its absolute discretion and at any time, to:
  - (i) change the structure, procedures, nature, scope or timing of, or alter the terms of participation in the process or overall Program (including submission and compliance of applications), where in such circumstances notice will be provided to applicants
  - (ii) consider or accept, or refuse to consider or accept, any application which is lodged other than in accordance with these guidelines or is lodged after the relevant date for lodgement, or which does not contain the information required by these guidelines or is otherwise non-conforming in any respect
  - (iii) vary or amend the eligibility or assessment criteria
  - (iv) take into account any information from its own and other sources (including other government agencies and advisors)
  - (v) accept or reject any application, having regard to these guidelines, the eligibility criteria, the assessment criteria or any other item, matter or thing which the State considers relevant, including the limitations on the funds available for the Program
  - (vi) conduct due diligence investigations in respect of any applicant and subject applications to due diligence, technical, financial and economic appraisals
  - (vii) require an applicant to clarify or substantiate any claims, assumptions or commitment contained in an application or provide any additional information
  - (viii) terminate the further participation of any applicant in the application process
  - (ix) terminate or reinstate the Program or any process in the Program
  - (x) not proceed with the Program in the manner outlined in these guidelines, or at all
  - (xi) amend the nature, scope or timing of the Program
  - (xii) allow the withdrawal of an applicant
  - (xiii) seek presentations from or interviews with any applicant and conduct negotiations with any one or more applicants after the applications have been lodged
  - (xiv) publish the names of applicants to the Program
  - (xv) take such other action as it considers in its absolute discretion appropriate in relation to the Program processes.

- c) Where, under these guidelines, it is stated that the State may exercise a right or discretion or perform any act or omit to perform any act, then unless stated otherwise the State may do so at its sole and absolute discretion and will not be required to act, or be restrained from acting, in any way or for any reason nor to take into account the interests of any third party (including an applicant).

## **No relationship**

- a) The State's obligations in connection with the application process are limited to those expressly stated in these guidelines.
- b) No contractual or legal relationship exists between the State and an applicant in connection with the Program, these guidelines or the application process or any stage of the Program.
- c) An applicant, or its representatives:
  - (i) has no authority or power, and must not purport to have the authority or power to bind the State, or make representations on behalf of the State
  - (ii) must not hold itself out or engage in any conduct or make any representation which may suggest to any person that the applicant is for any purpose an employee, agent, partner or joint venturer with the State
  - (iii) must not represent to any person that the State is a party to the proposed project other than as a potential funder, subject to the application process detailed in these guidelines.

## **No action**

- a) To the extent permitted by law, no applicant will have any claim of any kind whatsoever against the State (whether in contract, tort (including negligence), equity, under statute or otherwise) arising from or in connection with:
  - (i) any costs, expenses, losses or liabilities suffered or incurred by the applicant in preparing and submitting its application (including any amendments, requests for further information by the State, attendance at meetings or involvement in discussions) or otherwise in connection with the Program
  - (ii) the State at any time exercising or failing to exercise, in its absolute discretion, any rights it has under or in connection with the Program
  - (iii) any of the matters or things relevant to its application or the Program in respect of which the applicant must satisfy itself under these guidelines.
- b) Without limiting paragraph (a), if the State cancels or varies the Program at any time or does not select any applicant following its assessment of the applications, or does (or fails to do) any other thing referred to under these guidelines, no applicant will have any claim against the State arising from or in connection with any costs, expenses, losses or liabilities incurred by the applicant in preparing and submitting its application or otherwise in connection with or in relation to (whether directly or indirectly) the Program.
- c) For the avoidance of doubt, each applicant:
  - (i) participates in the Program at its own risk
  - (ii) is wholly responsible for its costs of applying for, participating in, or otherwise in connection with, the Program.

## **Non-exhaustive**

- a) These guidelines do not contain all of the information that applicants may require in reaching decisions in relation to whether or not to submit an application. Applicants must form their own views as to what information is relevant to such decisions.
- b) Applicants must make their own independent investigations of the information contained or referred to in these guidelines. Applicants must obtain their own independent legal, financial, tax and other advice in relation to information in these guidelines, or otherwise made available to them, during the application process.

## **Disclaimer**

- c) The State makes no warranty or representation express or implied, and does not assume any duty of care to the applicants that the information in these guidelines, or supplied in connection with the Program

(information) is accurate, adequate, current, suitable or complete, or that the information has been independently verified.

- d) The State accepts no responsibility whether arising from negligence or otherwise (except a liability that cannot lawfully be excluded) for any reliance placed upon the Information or interpretations placed on the information by applicants.

### **Intellectual property**

Any intellectual property rights that may exist in an application will remain the property of an applicant or the rightful owner of those intellectual property rights. Any part of an application considered to contain intellectual property rights should be clearly identified by an applicant.

The applicant rebates to the State (and will ensure relevant third parties rebate) a non-exclusive, royalty free and irrevocable licence to use and reproduce the intellectual property for the purpose of administering the Program.

### **Law**

These guidelines are governed by the laws applicable in Queensland.